

Docket No.: DEKM186

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of David McElroy *et al.*
Serial No.: 09/801,261
Filed: March 7, 2001
For: Homologous Recombination-Mediated
Transgene Alteration in Plants

Art Unit: 1638
Examiner: David Fox

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Sir:

I hereby certify that a Notice of Appeal and Petition for Two Month Extension of Time pursuant to 37 C.F.R. 1.136(a) are facsimile transmitted on September 23, 2003 to the USPTO Technical Center 1600 at After Final fax number 703 872 9307. A total of 3 pages are included in this transmission.

Respectfully submitted,

Pamela C Ball
Pamela C. Ball, Reg. No. 53,963

Sept 23, 2003
Date

PTO/SB/31 (08-03)
Approved for use through 07/31/2008. OMB 0851-0031
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| NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES | | Docket Number (Optional) DEKM186 | |
| <small>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on September 23, 2003</small> | | In re Application of McElroy et al., | |
| | | Application Number 09/801,261 | Filed March 7, 2001 |
| Signature <u><i>Pamela C Ball</i></u> Typed or printed name Pamela C. Ball | | For Homologous Recombination-Mediated Transgene Alteration in Plants Art Unit 1638 Examiner Fox, David T. | |

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 320.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 134125. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

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I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☐ attorney or agent of record.
Registration number _____

☒ attorney or agent acting under 37 CFR 1.34(a). **53,963**
Registration number if acting under 37 CFR 1.34(a). _____

Pamela C Ball
Signature
Pamela C. Ball
Typed or printed name
860 572 5265
Telephone number
9/23/03
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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| <input checked="" type="checkbox"/> *Total of <u>2</u> forms are submitted. |
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This collection of information is required by 37 CFR 1.191. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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